

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17943 of 2016

Arising Out of PS.Case No. -64 Year- 2015 Thana -SAHPUR District- BHOJPUR

- =====
1. Heera Lal Paswan son of Loha Paswan
 2. Bunnu Paswan @ Bannu Paswan son of Suresh Paswan
 3. Satendra Paswan son of Soti Lal Paswan
 4. Chitranjan Paswan son of Soti Lal Paswan
 5. Anil Paswan son of Lalan Paswan. All are residents of village - Rudra Nagar, P.S. - Shahpur, District - Bhojpur (Ara).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar(APP)

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with Shahpur P.S. Case No. 64 of 2015 registered for offences punishable under Section 307 and other allied sections of the Indian Penal Code. Later, Section 302 of the Indian Penal Code was also added.

The prosecution case, in brief, is that the petitioners along with other co-accused persons assaulted the informant and his family members causing death of one Lal Babu Paswan.

It has been submitted by the learned counsel for the



petitioners that as many as 20 persons including petitioners have been named in the First Information Report and regarding the same occurrence, Shahpur P.S. Case No. 63 of 2015 has been registered by the petitioners' side prior to the present case, which shows that the petitioner being co-villagers, some altercation took place between them. It has further been submitted that the allegations upon the petitioners are general and omnibus and no specific overt act has been attributed to any of the petitioners. He further submits that the First Information Report has been lodged on the date of occurrence, but after considerable delay. It has further been submitted that since the deceased died during the course of treatment, at best Section 304, Part II of the Indian Penal Code would be attracted. It has been submitted by the learned counsel for the petitioners that petitioners have clean antecedent, as is evident from paragraph-3 of this petition. He further submits that some of the co-accused have since been granted bail by this Court.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let the petitioners, above named, in the event of their arrest or surrender before the Court below within

a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Shahpur P.S. Case No. 64 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--